

**MINUTES OF A REGULAR MEETING
OF THE CHULA VISTA SAFETY COMMISSION**

**January 8, 2009
6:00 p.m.**

**Community Room
Chula Vista Police Department Headquarters**

CALL TO ORDER

Meeting called to order at 6:04 p.m.

1. Roll Call:

Present: Chair Liken; Commissioners Caudillo, Cochrane, Moriarty, and Perrett

Absent: Commissioners Johnson and Navarro

Also present: Frank Rivera, Principal Civil Engineer; Muna Cuthbert, Senior Civil Engineer; Police Officer Shon Thurman; David Miller; Deputy City Attorney; Miguel Tapia, Sr. Planner; and Florence Picardal, Recording Secretary

2. Pledge of Allegiance/Moment of Silence

3. Opening Statement

Opening statement read by Chair Liken.

4. Approval of Minutes: November 13, 2008

Minutes were not available.

5. Oral Communications

None.

MEETING AGENDA

6. Resolution - Conversion of 27th Street Between Main Street and Faivre Street from a Two-Way Roadway to a One-Way Southbound Roadway

With several development proposals in the area of 27th Street, a request was made to City staff that proposes to convert 27th Street, between Main Street and Faivre Street, from a narrow two-way road into a southbound one-way road. Principal Civil Engineer Rivera stated this item was heard in November. The Commission referred the item back to staff to address issues that were brought up at the November meeting and to also have a representative from the City Attorney's office attend tonight's meeting. Mr. Rivera introduced David Miller, Deputy City Attorney and Miguel Tapia, Sr. Planner. Sr. Civil Engineer Cuthbert gave a short presentation.

Staff Recommendation: Accept staff's report and adopt a resolution concurring with staff's recommendation to make 27th Street a one-way (southbound) street, from Main Street to Faivre Street.

Public hearing opened.

The following persons spoke in support of staff's recommendation:

1. Heriberto Gutierrez, 2681 Main St. (Eddie's Tires & Auto)
2. Vian Yakou (representing Latif Zoura, property owner on 27th St.)

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The following persons spoke in opposition of staff's recommendation:

1. Hector Tamayo, Jr., 1716 Broadway (Otay Farms/Paul & Sons)
2. Hector Tamayo, 1716 Broadway (Otay Farms/Paul & Sons)
3. Frank Vasquez (owns trucking business on 27th St.)

Public hearing closed.

Commission Discussion: Commissioner Perrett asked if staff had any meetings with the property owners since the last Commission meeting. Mr. Rivera responded there were no meetings. Commissioner Perrett stated it appeared there has not been lot of communication between the City and property owners. He felt there are still a lot of unresolved issues and was opposed to the conversion to a one-way street.

Deputy City Attorney Miller stated a few issues needed to be clarified -- 1) how the authority to change direction of a road comes about, 2) who has that authority and how is it done, and 3) what kind of liability might the City have or the Commissioners have, if a change is made.

Mr. Miller continued that in Vehicle Code Section 657, it states the authority in charge of the highway or roadway may designate the specific lanes or part of the roadway or the whole roadway until upon which lanes the roadway should go. So, the Vehicle Code gives the City the authority to change direction of a road. The Code states the authorities that are in charge of that roadway shall make that decision. In the City of Chula Vista, under Municipal Code Section 10.12.020, the City Engineer, with the consent of the Safety Commission, has the authority to change the direction of the roads. So, it's not a question of whether or not we have the authority to do it.

Commissioner Cochrane asked if any consideration has been given to the amount of money this appears to cost the neighboring businesses. He questioned changing the location of the loading dock. He asked if staff has looked at other alternatives so that Otay Farms does not have to relocate the loading dock.

Mr. Rivera responded that from a traffic engineering perspective, the concern is the way 27th St. intersects with Main Street and Broadway. That's the reason they are looking at it from this direction.

Mr. Tapia, Sr. Planner, stated at this point, only those properties that are being redeveloped are being required to install improvements. The Otay Farms' property is not subject to any changes because they are not proposing to redevelop their property or do any improvements. Conditions should remain the same for them. The only three properties that are being redeveloped and would be subject to any requirements that the City decides to impose are the properties at the southwest corner of Main and 27th (Mr. Gutierrez), on the other end of 27th St. on the east side (Latif Zoura, represented by Vian Yakou), and on the west (Vasquez family). These three properties would be subject to the requirements of the Chula Vista Municipal Code. If the Otay Farms property should redevelop in the future, then they would also be subject to those requirements.

Commissioner Cochrane stated that the one-way southbound only street would impact Otay Farms' loading dock because they would have to travel northbound in order for the truck to back into the loading dock.

Chair Liken questioned Mr. Tamayo about the loading dock's usage. Discussion ensued on the use of a flagman and truck traffic on 27th Street.

Commissioner Caudillo asked if the accident rate at this intersection is average. Rivera stated it is currently average.

Chair Liken reiterated in order to redevelop property in this area; the property owners must meet minimum criteria for the roadway. The only way to obtain the width is to make it a one-way street and improve on the City's right-of-way.

Mr. Rivera stated that based on the adjacent land uses, the City should be asking for a wider street. Knowing that the buildings, as they exist today, will not allow that, in order to minimize the impacts to all the

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properties, staff tried to come up with a solution that minimizes the needs for the street while also taking into account that sidewalk needs to be installed on one side of the street. The cross section being proposed is the best alternative to meeting everyone's needs for public access on that street.

Chair Liken stated this has been a give and take situation. Staff has reduced the standards so there can be sidewalk improvements on one side. He stated at the previous meeting there was consensus among most of the Commission that the problem was the legal question. That issue would be resolved by the City Attorney and the City Council. The Safety Commission needs to address this item again tonight. He stated he was sympathetic for the property on the northwest side because the owner has been trying to improve the property for a long time and has faced many setbacks. He stated this was a reasonable request for the area. He continued that in many areas of Chula Vista, there are alleys that are designated one-way for that reason -- small, narrow alleys for business access. He did not find it unreasonable to direct the flow of traffic to the south to improve the businesses that are in the south corridor.

Commissioner Moriarty stated she understood it is the Safety Commission that can decide if this is a one-way street. Mr. Rivera responded that was correct -- this is a traffic issue not a land use issue.

MOTION made by Commissioner Moriarty, seconded by Chair Liken to adopt a resolution concurring with staff's recommendation to make 27th Street a one-way (southbound) street, from Main Street to Faivre Street. (3-2-2, Caudillo/Perrett voting no, Johnson/Navarro absent). **MOTION FAILED.**

Mr. Rivera stated four votes are needed for the motion to pass.

Chair Liken stated there are two commissioners absent, enough for a quorum, but not enough to pass the motion. He stated the item either needed to come back to the Commission with a full panel or the motion is dead.

Mr. Rivera stated the Commission has two options: 1) bring the item back to the next meeting or a special meeting, or 2) make a substitute motion.

Chair Liken stated in order to facilitate this and due to the Brown Act, we cannot adjourn and hear it. He stated a number of folks were in attendance for this item. He asked the Commission if there was any middle ground in order to reach consensus.

Commissioner Perrett stated his issue was with Otay Farms having access. He stated there are 3 different properties that are trying to develop. In his opinion, creating a one-way road without coming up with some sort of solution that will accommodate Otay Farms' truck traffic was something he could not support. He did not have a problem with the one-way road except for that issue.

Commissioner Caudillo stated his biggest issue and the reason why he believed this was even brought to the Commission was the potential traffic or collisions on Broadway and Main. But, according to Mr. Rivera, there is nothing overwhelming. The traffic flow going north on 27th St. is low so he saw no reason to make a change at this point. Maybe two years down the road after those places are developed, it could be revisited. He didn't see any reason at this point to be making a change.

Chair Liken stated when a business opens; there are certain requirements for that type of business. In order to improve the businesses in the corridor they need to improve the roadway. Mr. Rivera stated yes, a decision needs to be made on the roadway so that redevelopment can occur.

Commissioner Moriarty asked if this issue is not resolved, the property owners would not be able to redevelop. Mr. Rivera responded that was correct.

Commissioner Cochrane stated it bothered him that Otay Farms would lose their loading dock. The reason he voted yes, even though he understood the problem with the loading dock, was to move this project forward so that the other land owners that border the street are able to improve their properties to better their businesses and the area.

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Commissioner Moriarty asked staff if the street is kept a two way street, would land be taken away from the property owners. Mr. Rivera responded yes because the cross section is the minimum which makes the street wider. The properties on the west side would have to lose a portion of their property. Commissioner Moriarty stated that is why she voted yes. She didn't want property to be lost and it seemed to be the only way to do redevelop and make it a safe street with a sidewalk.

Chair Liken stated asked about the option of the street being closed off on the north end and making it a dead end. Mr. Rivera responded it is a safety issue. There needs to be fire truck turnaround and there would not be enough room

Chair Liken stated at this point, there is still a deadlock with a 3-2 unless any of the Commissioners have any more comments or discussion. Commissioner Cochrane urged the 2 opposing members to maybe reconsider so that the project could move forward.

MOTION made by Commissioner Moriarty, seconded by Chair Liken to adopt a resolution concurring with staff's recommendation to make 27th Street a one-way (southbound) street, from Main Street to Faivre Street. (3-2-2, Caudillo/Perrett voting no, Johnson/Navarro absent). **MOTION FAILED.**

Chair Liken thanked the audience for attending.

7. Resolution - Approving Report to Deny the Installation of an All-Way Stop at the Intersection of Nacion Avenue and East Millan Street/Court

Staff received a request from Mrs. Mary Ann Saponara at the November 18, 2008, Safety Commission meeting, for the installation of an all-way stop at Nacion Avenue and East Millan Street/Court. The resident feels that this intersection is unsafe for pedestrians and vehicles and an all-way stop would help reduce the speeding on Nacion Avenue going south down the hill. Principal Civil Engineer Rivera gave a short presentation.

Staff Recommendation: Safety Commission accept staff's report and adopt a resolution concurring with staff's recommendation to deny the installation of an all-way stop control at the intersection of Nacion Avenue and East Millan Street/Court.

Staff received a total of 10 communications in favor of staff's recommendation opposing the installation of this all-way stop. Sr. Civil Engineer Cuthbert presented a list of those names. Chair Liken accepted the list and added Paul Thompson and Jeff Clarke (in favor of staff recommendation) who left messages with the Recording Secretary.

Public hearing opened.

The following persons spoke in support of staff's recommendation:

1. Josefina Silva, 297 Camino Vista Real
2. Susan Schmidt, 432 East J St.
3. Steve Warren, 767 Nolan Ave
4. Suzanne Santos, 635 Mission Ct.
5. Don Jennings, 281 E. Millan St.

The following persons spoke in opposition of staff's recommendation:

1. Frank Araiza, 381 E. Millan St.
2. Christopher Bajkigwicz, 800 Nacion Ave.
3. Michael and Julie Espinoza, 324 Corte Nacion
4. Harvey Petty, 756 Nolan Ave.
5. James Dobson, 375 E. Millan St.

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6. Mary Ann Saponara, 731 Nacion Ave.
7. Patti Ward, 725 Nacion Ave.
8. Elizabeth & James Quijano, 808 Nacion Ave. (undecided)

Public hearing closed.

Commission Discussion: Commissioner Moriarty asked if any traffic calming measures have been taken in the neighborhood. Mr. Rivera replied edge stripes were installed to define travel lanes and white edge reflectors have been installed.

Chair Liken stated there were a total of 13 speakers this evening, adding that to the 10 communications received, there were 8 against staff recommendation and 13 in favor of staff recommendation. Normally, its not that evenly distributed. He stated this is a hot button item which has been before the Commission a number of times. This item has gone to City Council and it's back again with many concerned residents in attendance. He stated this was an important issue that the Commission does not take lightly.

Mr. Rivera noted that Mr. Warren spoke tonight so the tally should be modified so as not to double count.

Chair Liken stated the count is 8-12, an even closer distribution. He stated he was part of the Safety Commission that was involved in the East J Street all-way stop determinations. He continued that these types of issues are difficult. The Commissioners listen to the public comments and consider staff's recommendation before voting. Many times, a large number of people will attend the meeting for a particular item, but the intersection will not meet the warrants of the all-way stop policy. Thus, staff's recommendation would be to deny the all-way stop. The Commission, at times, has gone against staff recommendation and the item would then go to Council for their consideration and would be unanimously overturned with the Council agreeing with staff's original recommendation. Chair Liken questioned staff about speed surveys and how were they taken. Mr. Rivera stated the speed surveys were conducted with a radar gun during off-peak hours so that it's free flowing conditions (late morning to early afternoon). He went on to explain the speed survey process.

Commissioner Perrett asked if a car crashes into a residence, is that considered an accident? Mr. Rivera answered yes, an accident is considered an intersection related-accident based on where the first point of impact is and whether it fits within the definition of the intersection. He stated that there are accidents that go unreported and those are not included in the City's statistics.

Chair Liken stated the Commission works with two things -- the all-way stop policy and public input. He stated it's a very difficult situation to oppose staff and have the Council agree with you. The last time an item went to Council that opposed staff's recommendation, there were a number of speakers from the neighborhood who spoke as well as Commissioner Moriarty and himself. The Council thanked everyone, voted against the item, and agreed with staff's recommendation to deny the all-way stop. The item was a speed issue and a stop sign. Council was unanimous in their decision.

Commissioner Moriarty stated the City is currently experiencing budget problems but asked if it would be possible to create a neighborhood traffic calming group to work with City staff on traffic calming measures - particularly looking at signing and striping. What she is hearing from the residents is they need to slow everyone down. Ms. Cuthbert stated that staff has looked at this location and has installed edge striping (a traffic calming measure). Mr. Rivera added that the division has received a radar feedback sign and it could be installed at this location. Raised medians or narrowing the street with curb extensions, those types of traffic calming measures; require Council action and approval for funding. This particular location would be a good candidate for a safety grant. Mr. Rivera stated that the funding for a neighborhood program has run out, but staff could look at signing alternatives.

Commissioner Cochrane stated he visited the intersection and observed speeding problems. He empathized with the residents and would like to see something done immediately to slow down the traffic. Commissioner Perrett stated he was on the Commission back in 2003 when they voted on this same item. The Commission was in favor of putting in stop signs, going against the recommendation. He agreed that speeding is an issue and something needs to be done. He did not think that stop signs would solve the

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speeding problem. He supported staff's recommendation and was also in favor at looking at alternative methods to slow down the traffic.

Commission Caudillo stated he was in favor of staff recommendation at this point. He was concerned about the pedestrian volume doubling in the last 6 years. Commissioner Cochrane stated he would like something that could be installed on at least a trial basis that extends over a few months. He would also like to get resident feedback on whatever measures are installed.

Ms. Cuthbert stated the radar feedback signs are not a trailer, but installed on a street light. Mr. Rivera explained the radar sign looks like a speed limit sign and would be mounted on the street light standard. The Commission can determine how long the sign will be displayed; it just cannot be a permanent installation.

MSC (Moriarty/Liken) to accept staff's recommendation to deny the all-way stop and direct staff to evaluate traffic calming measures with a report back to Safety Commission. (5-0-2, Johnson/Navarro absent))

Chair Liken thanked the residents who attended tonight's meeting stating this was a step in moving forward to try to get something. It by no means is the end all and he stated he would work with staff to try to get something installed. He stated this is a very tough budgetary time in the City with the Council meeting tomorrow to discuss emergency measures on the budget. He stated the Police traffic division will be out there with increased enforcement in the area. He also stated this was very difficult and he appreciated everyone attendance.

8. Traffic Engineering CIP Project Update

Ms. Cuthbert stated staff has finished six of the Walk San Diego school audits. Mr. Rivera stated the City received approval today to begin the I-5 multi-modal corridor project. This includes all of I-5 thru Chula Vista from SR-54 to south of Main St. and the railroad corridor, all overcrossings and undercrossings. This is a big transportation project of all the modes of transportation and that effort is over \$1 million. There will be a public workshop as the project gets further along.

9. Traffic Accident Summary for November and December 2008

Officer Thurman Shon stated accidents are down and there is a huge problem with DUIs - epidemic nationwide. A grant was received the Office of Traffic Safety and they now have a dedicated Deputy District Attorney who will be prosecuting repeat DUI offenders. He stated there were 3 fatalities since the last meeting.

10. Action Summary Update

Accepted into record.

OTHER BUSINESS

11. Commissioner Comments

Chair Liken went back to the item of attendance. He asked if any calls were received by the Recording Secretary. No calls were received.

MSC (Liken/Cochrane) to record the absences of Commissioners Johnson and Navarro as unexcused. (5-0-2)

Discussion ensued about Commissioner attendance. Chair Liken stated he would call the absent Commissioners and also speak to the City Clerk.

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12. Staff Comments

Mr. Rivera stated with Item 6 tonight, we could try a different meeting date; possibly have a special meeting so that so the property owners aren't waiting another month for a determination. Commission Liken stated there would have to be a consensus and more than 5 Commissioners attending which may be a challenge. Discussion ensued about moving the Commission meetings back to the Council Chambers. The Safety Commission meetings were relocated to the Police Department Community Room when the Chula Vista Redevelopment Corporation (CVRC) was initiated. Staff will look at availability of the Council Chambers and the possibility of using that location again.

ADJOURNMENT AT 9:08 P.M. to the next scheduled meeting of February 12, 2009.

Respectfully submitted,

Florence Picardal, Recording Secretary

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